| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/826,738 | 04/16/2004 | James D. Bledsoe | MP0985(13036/26) | 1360 |

60537     7590     07/16/2010
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| EXAMINER |
|---|
| SARPONG, AKWASI |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2625 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 07/16/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/826,738 | BLEDSOE ET AL. |
| | Examiner | Art Unit |
| | AKWASI M. SARPONG | 2625 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _11/30/ 2009_.

2a) ☒ This action is **FINAL**.          2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-4,7,8,17,19-38,43-56 and 58-65_ is/are pending in the application.

   4a) Of the above claim(s) _9-16_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-4,7-8,17,19-38,43-56 and 58-65_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _16 April 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _04/16/2004_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1.      The 112 first paragraph rejection has been withdrawn because of the further

explanation given by the applicant representative during the interview on 03/01/2010.


### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.      Claim 58 has been rejected because it depends on Claim 56 which has been

cancelled.

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      Claims  1-3, 7-8, 17-19, 26-28, 30-32,43-46, 47-48, 50-51,54-58 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Okubo (2003/0058471) in view of

Zarco (20040210894).


**Claim 1,** Okubo discloses a system **(Fig. 2 shows a print system)** comprising:

a processor **(CPU 11 shown in Fig. 2)** and at least one memory **(memory 13**

**shown in Fig. 2)** comprising a software, **(Fig. 3 shows clearly that memory 13**

**comprises of programs or software which are executed within the system)** the

software when executed performing a functionality for a print mechanism **(Section**

**0085, lines 1-12- thus the individual programs such as the print application is use**

**to perform the print functionality)** the memory further comprising instructions

executable by the processor to cause the processor to:

Control a state of operation of the functionality where a first state is associated

with an inability to execute **(Section 0113, lines 1-10, thus the first state is when**

**there has not been any upgrades or enhancement to the image processing**

**operation)** the software so that the print mechanism does not include the functionality

**(Section 0113, lines 1-10- hence it is clearly that the processing operation lacks**

**the functions that upgrading provides)**

receive user selection information indicative of a selection of a second state, of

operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21**

**instructions image rending commands which will call for an upgrade or a new**

**program and therefore the users intention of rending the commands indicates**

**that the program news to be upgraded (Second state))** the second state associated

with an ability to execute the software so that the print mechanism includes the

functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print**

**mechanism is provided with new function and therefore the print functions can**

**perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, **(Section 0088, thus**

**based on the received information from PC 21, it is determined as to whether the**

**program needs upgrade or not)** transmit first information indicative of the user

selection to a server **(Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded).**

receive second information from the server in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user)** where the second information enables execution of the software **(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program).**

change the state of operation of the functionality from the first state to the second state using the second information from the server **(Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgraded (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done and therefore the new program sent from server 7 is the second information)**

operate the print mechanism in accordance with the second state of operation of the functionality such that the print mechanism includes the functionality **(Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

Okubo does not disclose receiving a list of selectable functionalities from a

server, the list including a second state of operation of the functionality. Present the list

of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server,

**(Section 0042, lines 10-13- thus the available capabilities are retrieved from the**

**server)** the list including a second state of operation of the functionality **(Section 0042,**

**line 1- thus the capabilities are for upgrades and therefore will include a second**

**state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines**

**12-13- thus the capabilities list is displayed (presented) to the user via host**

**device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server

however Okubo does not disclose presenting the upgrades capabilities in a list form.

Since Zarco teaches retrieving capabilities in a list from a server, it will be obvious to

one ordinary skilled in the art at the time the invention was made to modify Okubo

invention to include presenting the capabilities in a list form as taught by Zarco so that a

user can select from the available capabilities (Section 0042, line 14) The fact that the

user has the chance to select from the list will motivate one ordinary skilled in the art.

**Claim 2,** Okubo in view of Zarco discloses wherein the first state comprises a

disabled state of the functionality, **(Okubo: Section 0088, lines 13-20- thus before the**

**upgrade of program the capabilities or functionalities that comes with that**

**particular upgrade is disabled)** and wherein the second state comprises an enabled

state of the functionality. **(Okubo: Section 0089- thus after there has been an**

**upgrade or an addition of a program the functionality of the particular program is**

**enabled and hence it can be used).**

         **Claim 3,** - (Cancelled)

         **Claims 5 – 6,** (Cancelled).

         **Claim 7,** Okubo in view of Zarco discloses wherein the instructions are

executable by the processor to cause the processor to provide the first information

associated with the user selection information to the server using an external interface

**(Okubo: Section 0083, lines 9-15- thus the request comes from the user through**

**PC21 and the second information is send from server 7 and both PC21 and server**

**7 are all external to the MFP)** and receive the second information associated with the

functionality of the print mechanism in response to providing the first information to the

server. **(Okubo: Section 0113, lines 8-10-thus a response is received from the**

**server whether the upgrade is appropriate or not).**

         **Claim 8,** Okubo in view of Zarco discloses wherein the instructions are

executable by the processor to cause the processor to provide the first information

associated with the user selection information to the server by providing the first

information to a computer system coupled to the external interface. (Okubo**: Section**

**0083, lines 9-15- thus the instruction comes from the user through PC21 and**

**sends to server 7 to request information).**

**Claim 9-16** - (Withdrawn).

**Claim 17,** Okubo discloses a method for performing a functionality for a print

engine **(Print engine 23 shown in Fig. 11)** based on the execution of software; **(Fig. 3**

**shows clearly that memory 13 comprises of programs or software which are**

**executed within the system)**

Control a state of operation of the functionality where a first state is associated

with an inability to execute **(Section 0113, lines 1-10, thus the first state is when**

**there has not been any upgrades or enhancement to the image processing**

**operation)** the software so that the print mechanism does not include the functionality

**(Section 0113, lines 1-10- hence it is clearly that the processing operation lacks**

**the functions that upgrading provides)**

receive user selection information indicative of a selection of a second state, of

operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21**

**instructions image rending commands which will call for an upgrade or a new**

**program and therefore the users intention of rending the commands indicates**

**that the program news to be upgraded (Second state))** the second state associated

with an ability to execute the software so that the print mechanism includes the

functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2)**

receiving user selection information indicative of the second state of the print engine **(Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21)**

in response to receiving the user selection information, **(Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not)** transmitting first information indicative of the user selection to a server; **(Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded).**

receiving second information from the server in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user)** where the second information enables execution of the software; **(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program)** and changing the state of operation of the functionality from the first state to the second state using the second information from the server, **(Section 0114, lines 7-13- thus after it is determined that it is**

**appropriate to upgrade the program, then the print mechanism is changed from**

**not upgraded (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has**

**to be found in server 7 before an upgrade can be done).**

wherein the print engine operates in accordance with the second state of

operation of the functionality such that the print engine includes the functionality,

**(Section 0114, lines 13-18 thus after the upgrade or addition of the new program it**

**is inherent that the print mechanism operates in accordance with the functionality**

**of the new program).**

Okubo does not disclose receiving a list of selectable functionalities from a

server, the list including a second state of operation of the functionality. Present the list

of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server,

**(Section 0042, lines 10-13- thus the available capabilities are retrieved from the**

**server)** the list including a second state of operation of the functionality **(Section 0042,**

**line 1- thus the capabilities are for upgrades and therefore will include a second**

**state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines**

**12-13- thus the capabilities list is displayed (presented) to the user via host**

**device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server

however Okubo does not disclose presenting the upgrades capabilities in a list form.

Since Zarco teaches retrieving capabilities in a list from a server, it will be obvious to

one ordinary skilled in the art at the time the invention was made to modify Okubo

invention to include presenting the capabilities in a list form as taught by Zarco so that a

user can select from the available capabilities (Section 0042, line 14) The fact that the

user has the chance to select from the list will motivate one ordinary skilled in the art.

**Claim 18,** Okubo in view of Zarco discloses receiving a list of selectable

functionalities from the server, **(Okubo: Section 0082, lines 1-4 thus the**

**functionalities will be a printer or copier application)** the list including the

functionality selected by the user. **(Okubo: the function selection unit 20 shown in**

**Fig. 11 is used by the user to select either the printing function or copier function)**

**Claim 19,** Okubo in view of Zarco discloses providing an interface **(Okubo:**

**Function selecting Unit 20 shown in Fig. 11)** for the user to select the functionality

from the list. **(Zarco: Section 0042, lines 12-13- thus the capabilities is displayed**

**via the display of the host computer and therefore the display reads on the**

**interface the user uses to select the functionality list).**

**Claim 26,** Okubo in view of Zarco discloses wherein changing the first state of

the print engine to the second state comprises upgrading software or hardware.

**(Section 0114, lines 7-22, thus the program is upgraded to increase its**

**functionalities which unable the MFP 1 or copier to performs some functions that**

**it was incapable to do).**

**(NB: changing from not capable of doing to be able to do it reads on**

**changing from first state to the second state).**

**Claim 27,** Okubo discloses a method for performing a functionality for a

functional unit **(MFP 1 shown in fig. 2)** based on the execution of software **(Fig. 3**

**shows clearly that memory 13 comprises of programs or software which are**

**executed within the system)**

Controlling  a state of operation of the functionality where a first state is

associated with an inability to execute **(Section 0113, lines 1-10, thus the first state is**

**when there has not been any upgrades or enhancement to the image processing**

**operation)** the software so that the print mechanism does not include the functionality

**(Section 0113, lines 1-10- hence it is clearly that the processing operation lacks**

**the functions that upgrading provides)**

receiving user selection information indicative of a second state of operation of

the functionality,  **(Section 0071, lines 2-17- thus the user through PC 21**

**instructions image rending commands which will call for an upgrade or a new**

**program and therefore the users intention of rending the commands indicates**

**that the program news to be upgraded (Second state))**  the second state associated

with an ability to execute the software so that the functional unit includes the

functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print**

**mechanism is provided with new function and therefore the print functions can**

**perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, transmitting first

information indicative of the user selection to the server; **(Section 0115- thus the**

**information sent from PC 21 goes to server 7 to find the program that needs to be**

**upgraded)**

receiving from the server second information in response to the first information,

**(Section 0114, lines 7-18- thus the individual processing program is searched for**

**on the server 7 and a response as to whether the program can be found and If it**

**is appropriate for downloading)** where the second information enables execution of

the software; **(Section 0114, lines 13-20- thus after it is determined that upgrade is**

**appropriate, the program is upgraded which gives the print mechanism the**

**capability to perform the functionality of the program).**

and changing the state of operation of the functionality from the first state to the

second state using the second information from the server **(Section 0114, lines 7-13-**

**thus after it is determined that it is appropriate to upgrade the program, then the**

**print mechanism is changed from not upgrade (first state) to upgraded**

**mechanism (Second state)).**

**(NB:  Section 0115 Understand that the individual processing program has**

**to be found in server 7 before an upgrade can be done and therefore the new**

**program sent from server 7 is the second information)**

wherein the functional unit operates in accordance with the second state of operation of the functionality such that the print mechanism includes the functionality **(Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

Okubo does not disclose receiving a list of selectable functionalities from a server, the list including a second state of operation of the functionality. Present the list of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server, **(Section 0042, lines 10-13- thus the available capabilities are retrieved from the server)** the list including a second state of operation of the functionality **(Section 0042, line 1- thus the capabilities are for upgrades and therefore will include a second state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines 12-13- thus the capabilities list is displayed (presented) to the user via host device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server however Okubo does not disclose presenting the upgrades capabilities in a list form. Since Zarco teaches retrieving capabilities in a list from a server, <u>it will be obvious</u> to one ordinary skilled in the art at the time the invention was made to modify Okubo invention to include presenting the capabilities in a list form as taught by Zarco so that a user can select from the available capabilities **(Section 0042, line 14)** The fact that the user has the chance to select from the list will motivate one ordinary skilled in the art.

**Claim 28,** Okubo in view of Zarco discloses wherein the functionality for the functional unit comprises a Facsimile capability**. (Okubo: FIG. 18 shows that memory 413 has a program that supports Fax or facsimile)**

**Claim 29,** Okubo in view of Zarco discloses wherein the functionality for the functionality unit comprises a scanner capability. **(Okubo: Fig. 11 El 22 shows a scanner which is used as a scanner capability).**

**Claim 30,** Okubo discloses a system **(Fig. 2 shows a print system)** comprising;

a processor; **(CPU 11 shown in Fig. 2)** and

at least one memory **(memory 13 shown in Fig. 2)** comprising software, the software, **(Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system)** when executed, performing a functionality for a functional unit, **(Section 0085, lines 1-12- thus the individual programs such as the print application is use to perform the print functionality)**

the memory further comprising instructions executable by the processor to cause the processor to

Control a state of operation of the functionality where a first state is associated with an inability to execute **(Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing**

**operation)** the software so that the print mechanism does not include the functionality **(Section 0113, lines 1-10- hence it is clearly that the processing operation lacks the functions that upgrading provides)**

receive user selection information indicative of a selection of a second state, of operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21 instructions image rending commands which will call for an upgrade or a new program and therefore the users intention of rending the commands indicates that the program news to be upgraded (Second state))** the second state associated with an ability to execute the software so that the print mechanism includes the functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print mechanism is provided with new function and therefore the print functions can perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, **(Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not)** transmit first information indicative of the user selection to a server **(Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded).**

receive second information from the server in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user)** where the second information enables execution of the software; **(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate,**

**the program is upgraded which gives the print mechanism the capability to**

**perform the functionality of the program).**

change the first state of the functional unit to the second state using the second

information from the server; **(Section 0114, lines 7-13- thus after it is determined**

**that it is appropriate to upgrade the program, then the print mechanism is**

**changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has**

**to be found in server 7 before an upgrade can be done and therefore the new**

**program sent from server 7 is the second information)**

and

operate the print mechanism in accordance with the second state of operation of

the functionality such that the print mechanism includes the functionality **(Section 0114,**

**lines 13-18 thus after the upgrade or addition of the new program it is inherent**

**that the print mechanism operates in accordance with the functionality of the new**

**program).**

Okubo does not disclose receiving a list of selectable functionalities from a

server, the list including a second state of operation of the functionality. Present the list

of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server,

**(Section 0042, lines 10-13- thus the available capabilities are retrieved from the**

**server)** the list including a second state of operation of the functionality **(Section 0042,**

**line 1- thus the capabilities are for upgrades and therefore will include a second**

**state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines**

**12-13- thus the capabilities list is displayed (presented) to the user via host**

**device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server

however Okubo does not disclose presenting the upgrades capabilities in a list form.

Since Zarco teaches retrieving capabilities in a list from a server, it will be obvious to

one ordinary skilled in the art at the time the invention was made to modify Okubo

invention to include presenting the capabilities in a list form as taught by Zarco so that a

user can select from the available capabilities (Section 0042, line 14) The fact that the

user has the chance to select from the list will motivate one ordinary skilled in the art.

**Claim 31,** Okubo in view of Zarco discloses wherein the functionality comprises a

facsimile function. **(Okubo: FIG. 18 shows that memory 413 has a program that**

**supports Fax or facsimile).**

**Claim 32,** Okubo in view of Zarco discloses wherein the functionality comprises a

scanner function. **(Okubo: Fig. 11 EI 22 shows a scanner which is used as a**

**scanner capability).**

**Claim 35,** Okubo in view of Zarco discloses wherein the functionality for the print

mechanism comprises an upgraded level of software or an upgraded level of hardware.

**(Section 0114, lines 7-22, thus the program is upgraded to increase its functionalities hence the MFP's capabilities are upgraded).**

**Claim 36,** Okubo in view of Zarco discloses wherein the functionality comprises at least one of performance capabilities, renewable capabilities, and upgrade capabilities. **(Okubo: Section 0088, lines 13-20- thus Copier 1 has the capability to upgrade the programs in memory 13)**

**Claim 37,** Okubo in view of Zarco discloses wherein the system comprises a printer with multiple hardware modules. **(Okubo: fig. 11 shows print engine 23 that can perform printing capabilities and it also includes coping capabilities therefore it can both carry out printing and coping)**

**Claim 38,** Okubo in view of Zarco discloses wherein the functionality comprises enabling at least one of the hardware modules. **(Okubo: Fig. 8 shows that at a point in time either a printer or copier program is enabled)**

Claims 39-42 – (Withdrawn)

**Claim 43,** Okubo discloses a printer **(MFP 1 shown in Fig. 1 can print and therefore it is a printer)** with multiple hardware modules **(Fig. 2 shows different hardware modules)** that includes the discloses a method comprising:

Control a state of operation of the functionality where a first state is associated with an inability to execute **(Section 0113, lines 1-10, thus the first state is when**

**there has not been any upgrades or enhancement to the image processing**

**operation)** the software so that the print mechanism does not include the functionality

**(Section 0113, lines 1-10- hence it is clearly that the processing operation lacks**

**the functions that upgrading provides)**

receive user selection information indicative of a selection of a second state, of

operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21**

**instructions image rending commands which will call for an upgrade or a new**

**program and therefore the users intention of rending the commands indicates**

**that the program news to be upgraded (Second state))** the second state associated

with an ability to execute the software so that the print mechanism includes the

functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print**

**mechanism is provided with new function and therefore the print functions can**

**perform the new functions-please see Section 0113, lines 1-2)**

receiving user selection information indicative of the second state of the print

engine **(Section 0088, lines 8-12- thus the determination is made based on the**

**information instructed by PC 21-hence this instruction is coming from a user**

**through PC 21)**

in response to receiving the user selection information, **(Section 0088, thus**

**based on the received information from PC 21, it is determined as to whether the**

**program needs upgrade or not)** transmitting first information indicative of the user

selection to a server; **(Section 0115- thus the information sent from PC 21 goes to**

**server 7 to find the program that needs to be upgraded).**

receiving second information from the server in response to the first information, **(Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user)** where the second information enables execution of the software; **(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program)** and changing the state of operation of the functionality from the first state to the second state using the second information from the server, **(Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgraded (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done).**

wherein the print engine operates in accordance with the second state of operation of the functionality such that the print engine includes the functionality, **(Section 0114, lines 13-18 thus after the upgrade or addition of the new program it is inherent that the print mechanism operates in accordance with the functionality of the new program).**

Okubo does not disclose receiving a list of selectable functionalities from a server, the list including a second state of operation of the functionality. Present the list of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server,

**(Section 0042, lines 10-13- thus the available capabilities are retrieved from the**

**server)** the list including a second state of operation of the functionality **(Section 0042,**

**line 1- thus the capabilities are for upgrades and therefore will include a second**

**state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines**

**12-13- thus the capabilities list is displayed (presented) to the user via host**

**device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server

however Okubo does not disclose presenting the upgrades capabilities in a list form.

Since Zarco teaches retrieving capabilities in a list from a server, <u>it will be obvious</u> to

one ordinary skilled in the art at the time the invention was made to modify Okubo

invention to include presenting the capabilities in a list form as taught by Zarco so that a

user can select from the available capabilities (Section 0042, line 14) The fact that the

user has the chance to select from the list will motivate one ordinary skilled in the art.


**Claim 44,** Okubo in view of Zarco discloses wherein the functionality comprises

enabling at least one of the hardware modules. (Okubo: **Fig. 8 shows that at a point in**

**time either a printer or copier program is enabled)**


**Claim 45,** Okubo in view of Zarco discloses wherein the print engine operates

within a printer with multiple hardware modules. **(Okubo: fig. 2 shows that copier 1**

**has print engine 23 and it also has a plurality of modules like function unit 18 and function selecting 20)**

**Claim 46**, Okubo in view of Zarco discloses wherein the functionality comprises enabling at least one of the hardware modules. **(Okubo: Fig. 8 shows that at a point in time either a printer or copier program is enabled).**


**Claim 47**, Okubo discloses a system **(Fig. 2 shows a print system)** comprising:

a processor; **(CPU 11 shown in Fig. 2)** and at least one memory **(memory 13 shown in Fig. 2)** comprising software, **(Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system)** the software, when executed, enabling a modified capability level of a functionality for a print mechanism, **(Section 0085, lines 1-12- thus the individual programs such as the print application is use to perform the print functionality)** the memory further comprising instructions executable by the processor to cause the processor to:

control a state of operation of the functionality where a first state is associated with a first capability level of the functionality **(Section 0113, lines 1-3- thus where no upgrades has be done to the MFP 1)** such that the print mechanism is operated in accordance with the first capability level, the first state being further associated with an inability to execute **(Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation)** the software so that the print mechanism does not include the modified capability level of

the functionality **(Section 0113, lines 1-10- hence it is clearly that the processing**

**operation lacks the functions that upgrading provides)**

receive user selection information indicative of a second state of operation of the

functionality, **(Section 0071, lines 2-17- thus the user through PC 21 instructions**

**image rending commands which will call for an upgrade or a new program and**

**therefore the users intention of rending the commands indicates that the program**

**news to be upgraded (Second state))** the second state associated with an ability to

execute the software so that the print mechanism includes the modified capability level

of the functionality; **(Section 0113, lines 1-11, thus after the new upgrades the print**

**mechanism is provided with new function and therefore the print functions can**

**perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, **(Section 0088, thus**

**based on the received information from PC 21, it is determined as to whether the**

**program needs upgrade or not)** transmit first information indicative of the user

selection to a server; **(Section 0115- thus the information sent from PC 21 goes to**

**server 7 to find the program that needs to be upgraded).**

receive second information from the server in response to the first information,

**(Section 0114, lines 7-18- thus the individual processing program is searched for**

**on the server 7 and a response as to whether the program can be found is sent**

**back to the user)** where the second information enables execution of the software.

**(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate,**

**the program is upgraded which gives the print mechanism the capability to**

**perform the functionality of the program).**

change the state of operation of the functionality from the first state to the second

state using the second information from the server; **(Section 0114, lines 7-13- thus**

**after it is determined that it is appropriate to upgrade the program, then the print**

**mechanism is changed from not upgrade (first state) to upgraded mechanism**

**(Second state)).**

**(NB:  Section 0115 Understand that the individual processing program has**

**to be found in server 7 before an upgrade can be done and therefore the new**

**program sent from server 7 is the second information)**

and

operate the print mechanism in accordance with the second state of operation of

the functionality such that the print mechanism includes the modified capability level of

the functionality. **(Section 0114, lines 13-18 thus after the upgrade or addition of the**

**new program it is inherent that the print mechanism operates in accordance with**

**the functionality of the new program).**

Okubo does not disclose receiving a list of selectable functionalities from a

server, the list including a second state of operation of the functionality. Present the list

of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server,

**(Section 0042, lines 10-13- thus the available capabilities are retrieved from the**

**server)** the list including a second state of operation of the functionality **(Section 0042,**

**line 1- thus the capabilities are for upgrades and therefore will include a second**

**state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines**

**12-13- thus the capabilities list is displayed (presented) to the user via host**

**device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server

however Okubo does not disclose presenting the upgrades capabilities in a list form.

Since Zarco teaches retrieving capabilities in a list from a server, <u>it will be obvious</u> to

one ordinary skilled in the art at the time the invention was made to modify Okubo

invention to include presenting the capabilities in a list form as taught by Zarco so that a

user can select from the available capabilities (Section 0042, line 14) The fact that the

user has the chance to select from the list will motivate one ordinary skilled in the art.

**Claim 48,** Okubo in view of Zarco discloses wherein the first state comprises a

first level of performance **(Okubo: Section 0088, lines 13-20- thus before the**

**upgrade of program the MFP is at the first level of performance)** and wherein the

second state comprises a second level of performance. **(Okubo: Section 0089- after it**

**has been upgraded then it goes into second level of performance)**

**Claim 50,** Okubo in view of Zarco discloses wherein the instructions are

executable by the processor to cause the processor to provide the first information

associated with the user selection information to the server using an external interface

**(Okubo: Section 0083, lines 9-15- thus the request comes from the user through PC21 and the second information is send from server 7 and both PC21 and server 7 are all external to the MFP)** and

receive the second information associated with the functionality of the print mechanism in response to providing the first information to the server. **(Okubo: Section 0113, lines 8-10-thus a response is received from the server whether the upgrade is appropriate or not)**

**Claim 51**, Okubo in view of Zarco discloses wherein the instructions are executable be the processor to cause the processor to provide the first information associated with the user selection information to the server by providing the first information to a computer system coupled to the external interface. **(Okubo: Section 0083, lines 9-15- thus the request comes from the user through PC21 and the second information is send from server 7 and both PC21 and server 7 are all external to the MFP)** and

**Claim 54,** Okubo in view of Zarco discloses wherein the functionality for the print mechanism comprises software or hardware. (Okubo**: Section 0088, lines 13-20- thus the downloaded program is a software and it has to get its hardware for it to work)**

**Claim 55,** Okubo in view of Zarco discloses wherein the functionality comprises at least one of performance capabilities and upgrade capabilities for the print

mechanism. **(Okubo: Section 0113, lines 1-4- thus the new functions are upgrade capabilities which increases the capabilities of the printer).**


**Claim 56,** Okubo discloses a method for enabling a modified capability level of functionality for a print engine **(Fig. 2 shows a printer which has a print engine)** based on the execution of software **(Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system)** comprising:

controlling a state of operation of the functionality where a first state of operation of the functionality is associated with an inability to execute **(Section 0113, lines 1-10, thus the first state is when there has not been any upgrades or enhancement to the image processing operation)** the software so that the print engine does not include the modified capability level of the functionality **(Section 0113, lines 1-10-hence it is clearly that the processing operation lacks the functions that upgrading provides)**

receiving user selection information indicative of a second state of operation of the functionality, **(Section 0071, lines 2-17- thus the user through PC 21 instructions image rending commands which will call for an upgrade or a new program and therefore the users intention of rending the commands indicates that the program news to be upgraded (Second state))** the second state associated with the ability to execute the software so that the print engine includes the modified capability level of the functionality; **(Section 0113, lines 1-11, thus after the new**

**upgrades the print mechanism is provided with new function and therefore the**

**print functions can perform the new functions-please see Section 0113, lines 1-2)**

in response to receiving the user selection information, **(Section 0088, thus**

**based on the received information from PC 21, it is determined as to whether the**

**program needs upgrade or not)** transmitting first information indicative of the user

selection to a server **(Section 0115- thus the information sent from PC 21 goes to**

**server 7 to find the program that needs to be upgraded).**


receiving second information from the server in response to the first information,

**(Section 0114, lines 7-18- thus the individual processing program is searched for**

**on the server 7 and a response as to whether the program can be found is sent**

**back to the user)** where the second information enables execution of the software;

**(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate,**

**the program is upgraded which gives the print mechanism the capability to**

**perform the functionality of the program).**

and

changing the state of operation of the functionality from the first state to the

second state using the second information from the server, **(Section 0114, lines 7-13-**

**thus after it is determined that it is appropriate to upgrade the program, then the**

**print mechanism is changed from not upgrade (first state) to upgraded**

**mechanism (Second state)).**

wherein the print engine operates in accordance with the second state of operation of the functionality such that the print engine includes the modified capability level functionality.**(Section 0114, lines 7-13-thus the printer will function according to the new programs or the upgraded functions).**

Okubo does not disclose receiving a list of selectable functionalities from a server, the list including a second state of operation of the functionality. Present the list of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server, **(Section 0042, lines 10-13- thus the available capabilities are retrieved from the server)** the list including a second state of operation of the functionality **(Section 0042, line 1- thus the capabilities are for upgrades and therefore will include a second state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines 12-13- thus the capabilities list is displayed (presented) to the user via host device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server however Okubo does not disclose presenting the upgrades capabilities in a list form. Since Zarco teaches retrieving capabilities in a list from a server, <u>it will be obvious</u> to one ordinary skilled in the art at the time the invention was made to modify Okubo invention to include presenting the capabilities in a list form as taught by Zarco so that a user can select from the available capabilities (Section 0042, line 14) The fact that the user has the chance to select from the list will motivate one ordinary skilled in the art.

**Claim 57,** Okubo in view of Zarco discloses that the method further comprising

receiving a list of selectable functionalities from the server, the list including the second

state of operation of the functionality selected by the user. **(Okubo: Section 0114 lines**

**7-13- thus since the server is searched for the upgraded program it means that**

**the new functions are selectable from the server)**


**Claim 58,** Okubo in view of Zarco discloses that the method further comprises

providing an interface for the user to select the second state of operation of the

functionality from the list. **(Okubo: Section 0116, lines 7-10- thus instructions send**

**form PC 21 for the enhancement as well upgraded and therefore the user use PC**

**21 send the instruction which means that there is an interface for the user to use).**


## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1.     Claims 4, 20-25, 33-34, 49, 52-53, 59, 60-64 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Okubo (2003/0058471) in view of Zarco (2004/ 0210894)

Fujitani (20010034747).

**Claim 4,** Okubo in view of Zarco discloses all the limitations in Claim 1 but does

not disclose wherein the second information comprises an encryption key.

Fujitani discloses wherein the second information **(Section 0045, lines 8-14-**

**thus the information inputted by the user includes identifications or password or**

**PIN code of the user)** comprises an encryption key **(thus is the key (information**

**provided) matches then a requested print process proceeds)**. Therefore it will be

obvious to one ordinary skilled in the art at the time the invention was made to modify

Okubo's in view of Zarco's Copier 6 or MFP 1 to include Fujitani's input unit 114 as

clearly shown in Fig. 2 so that users will be able to input their ID's for confirmation

before a print job can proceed. The motivation for this modification is to avoid

unauthorized users getting confidential documents.

**Claim 20,** Okubo in view of Zarco discloses all the limitations in claim 1 but does

not disclose providing an interface for the user to enter the payment information.

Fujitani discloses providing an interface for the user to enter the payment

information. **(Fig. 7 shows an interface that is used by the user to select or enter**

**payment information such as how payment is going to be made- please see**

**section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art

at the time the invention was made to modify Okubo in view of Zarco copier to include

fujitani's user interface as shown in Fig. 7 so that the user can select how he wants

payment to be made. This will enable the user to have a preferred way to make his

payment.

**Claim 21,** Okubo in view of Zarco and further in view of Fujitani discloses

providing the payment information **(Fujitani: Section 0043, lines 14-18- thus the user

input how payment is going to be made)** to the server **(Okubo: Server 7-please see

Section 0033).**


**Claim 22,** Okubo in view of Zarco and further in view of Fujitani discloses

receiving second information associated with the functionality from the server in

response to providing the user selection information **(Okubo: Section 0112- thus the

user uses function selecting unit 20 to select either a copier or a printer mode)**

and the payment information **(Fujitani: Section 0043, lines 14-18- thus the user input

how payment is going to be made)** to the server **(Okubo: Server 7-please see

Section 0033).**


**Claim 23,** Okubo in view of Zarco discloses all the limitation in Claim 1 but does

not disclose further comprising receiving payment information associated with the user

selection information from the user.

Fujitani discloses receiving payment information associated with the user

selection information from the user. **(Fujitani: Section 0043, lines 14-18- thus the

user input how payment is going to be made and thus the payment information is

received before the confirmation can be made).** Therefore it will be obvious to one

ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6

or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2 so that users will

be able to input their ID's for confirmation before a print job can proceed. The motivation

for this modification is to avoid unauthorized users getting confidential documents.

**Claim 24,** Okubo in view of Zarco discloses all the limitations in Claim 17 but

does not disclose wherein the functionality comprises a modified level of a print speed

of the print engine.

Fujitani discloses wherein the functionality comprises a modified level of a print

speed of the print engine.  **(Fujitani: Section 0053, lines 5-8 and Claim 62- thus the**

**user selects the speed that he wants the printer to print- hence the user can print**

**at a selected print speed)**. Therefore it will be obvious to one ordinary skilled in the art

at the time the invention was made to modify Okubo's copier and the MFP so that users

can change the print speed and this will unable the user to have an input as to how fast

the document will be printed.

**Claim 25,** Okubo in view of Zarco discloses all the limitations in Claim 17 but

does not disclose wherein the functionality comprises a modified level of a print

resolution of the print engine. Fujitani discloses wherein changing the first state of the

print engine to the second state comprises changing a print resolution of the print

engine. **(Section 0053, lines 7-9- thus the user has to select between the two levels**

**of resolution that the printer can print and therefore the resolution can be**

**changed from one resolution to another).** Therefore it will be obvious to one ordinary

skilled in the art at the time the invention was made to modify Okubo's copier or MFP to

include Fujitani's print resolution interface so that user can change the resolution of the

printer. this will let users have different resolutions at which the document can be

printed.

**Claim 33,** Okubo in view of Zarco and further in view of Fujitani discloses

wherein the functionality for the print mechanism comprises a print speed. **(Fujitani:**

**Section 0053, lines 5-8 and Claim 62- thus the user selects the speed that he**

**wants the printer to print- hence the user can print at a selected print speed).**

**Claim 34,** Okubo in view of Zarco and further in view of Fujitani discloses

wherein the functionality for the print mechanism comprises a print resolution. **(Section**

**0053, lines 7-9- thus the user has to select between the two levels of resolution**

**that the printer can print and therefore the resolution can be changed from one**

**resolution to another)]**

**Claim 49,** Okubo in view of Zarco and further in view of Fujitani discloses all the

limitations in Claim 1 but does not disclose wherein the second information comprises

an encryption key.

Fujitani discloses wherein the second information **(Section 0045, lines 8-14-**

**thus the information inputted by the user includes identifications or password or**

**PIN code of the user)** comprises an encryption key **(thus is the key (information**

**provided) matches then a requested print process proceeds)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6 or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2 so that users will be able to input their ID's for confirmation before a print job can proceed. The motivation for this modification is to avoid unauthorized users getting confidential documents.

     **Claim 52,** Okubo in view of Zarco discloses all the limitations in Claim 47 but does not disclose wherein the functionality comprises a modified level of a print speed of the print engine.

     Fujitani discloses wherein the functionality comprises a modified level of a print speed of the print engine.  **(Fujitani: Section 0053, lines 5-8 and Claim 62- thus the user selects the speed that he wants the printer to print- hence the user can print at a selected print speed)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier and the MFP so that users can change the print speed and this will unable the user to have an input as to how fast the document will be printed.


     **Claim 53,** Okubo in view of Zarco discloses all the limitations in Claim 47 but does not disclose wherein the functionality comprises a modified level of a print resolution of the print engine. Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. **(Section 0053, lines 7-9- thus the user has to select between the two levels**

**of resolution that the printer can print and therefore the resolution can be**

**changed from one resolution to another).** Therefore it will be obvious to one ordinary

skilled in the art at the time the invention was made to modify Okubo's copier or MFP to

include Fujitani's print resolution interface so that user can change the resolution of the

printer. this will let users have different resolutions at which the document can be

printed.

**Claim 59,** Okubo in view of Zarco discloses all the limitations in claim 56 but

does not disclose receiving payment information associated with the user selection

information from the user.

Fujitani discloses receiving payment information associated with the user

selection information from the user.

**. (Fig. 7 shows an interface that is used by the user to select or enter**

**payment information such as how payment is going to be made- please see**

**section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art

at the time the invention was made to modify Okubo's copier to include fujitani's user

interface as shown in Fig. 7 so that the user can select how he wants payment to be

made. This will enable the user to have a preferred way to make his payment.


**Claim 60,** Okubo in view of Zarco discloses all the limitations in claim 59 but

does not disclose providing the payment information to the server.

Fujitani discloses providing the payment information to the server.

. **(Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment

**Claim 61,** Okubo in view of Zarco discloses the method further comprising receiving second information **(Okubo: Section 0114, lines 7-13- thus the new program)** associated with the second state of operation of the functionality from the server in response to providing the user selection information **(Okubo: Section 0114, lines 7-18 thus the new program is retrieved from server 7)** but does not disclose wherein the payment information to the server.

Fujitani discloses wherein the payment information is provided to the server. **(Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment

**Claim 62,** Okubo in view of Zarco discloses all the limitations in claim 59 but does not disclose providing an interface for the user to enter the payment information.

Fujitani discloses providing an interface for the user to enter the payment information. **(Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment.

**Claim 63,** Okubo in view of Zarco discloses all the limitations in Claim 53 but does not disclose wherein the functionality comprises a modified level of a print resolution of the print engine. Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. **(Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution to another).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier or MFP to include Fujitani's print resolution interface so that user can change the resolution of the printer. this will let users have different resolutions at which the document can be printed.

**Claim 64,** Okubo in view of Zarco discloses all the limitations in Claim 56 but

does not disclose wherein the functionality comprises a modified level of a print

resolution of the print engine. Fujitani discloses wherein changing the first state of the

print engine to the second state comprises changing a print resolution of the print

engine. **(Section 0053, lines 7-9- thus the user has to select between the two levels**

**of resolution that the printer can print and therefore the resolution can be**

**changed from one resolution to another).** Therefore it will be obvious to one ordinary

skilled in the art at the time the invention was made to modify Okubo's copier or MFP to

include Fujitani's print resolution interface so that user can change the resolution of the

printer. this will let users have different resolutions at which the document can be

printed.


## *Response to Arguments*

1.      Applicant's arguments filed 04/13/2010 have been fully considered but they are

not persuasive.

### Regarding 103 rejections:

Regarding Claims 1, 17, 27, 30, 47 and 56, applicant argues that the cited

reference fails to disclose the amended limitation receive a list of selectable

functionalities from a server, the list including a second state of operation of the

functionality present the list of selectable functionalities to a user.

**In reply,** Examiner respectfully disagrees because as discussed in the Office

action Okubo does not disclose receiving a list of selectable functionalities from a

server, the list including a second state of operation of the functionality. Present the list

of selectable functionalities to a user.

Zarco discloses receiving a list of selectable functionalities from a server,

**(Section 0042, lines 10-13- thus the available capabilities are retrieved from the**

**server)** the list including a second state of operation of the functionality **(Section 0042,**

**line 1- thus the capabilities are for upgrades and therefore will include a second**

**state)** and presenting the list of selectable functionalities to a user. **(Section 0042, lines**

**12-13- thus the capabilities list is displayed (presented) to the user via host**

**device 202).**

Hence both Okubo and Zarco teach retrieving or getting upgrades from a server

however Okubo does not disclose presenting the upgrades capabilities in a list form.

Since Zarco teaches retrieving capabilities in a list from a server, it will be obvious to

one ordinary skilled in the art at the time the invention was made to modify Okubo

invention to include presenting the capabilities in a list form as taught by Zarco so that a

user can select from the available capabilities (Section 0042, line 14) The fact that the

user has the chance to select from the list will motivate one ordinary skilled in the art.

## *Conclusion*

2.      Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Akwasi M Sarpong/
Examiner, Art Unit 2625
06/23/2010